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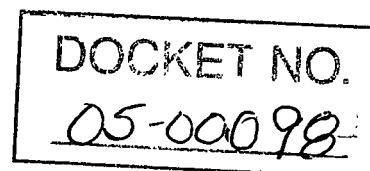
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T.R.A. DOCKET ROOM

April 6, 2005

**Via Overnight Mail**

Mr. Pat Miller, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505



**Re: Petition for Review of the Pooling Administrator's Denial of a Request for a Growth Block for a Location Routing Number and, in the Alternative, Request for Waiver of the FCC's Rules and INC Guidelines**

Dear Chairman Miller:

Enclosed are an original and fourteen copies of Advantage Cellular Systems, Inc.'s above referenced Petition. Also enclosed is a pink copy of the above referenced Petition. Please date-stamp and return the pink copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please contact the undersigned.

Sincerely,

Rebecca L. Murphy

Enclosures

cc: Sonja Hammond

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TN**

<i>In Re.</i>	)	
	)	
Petition for Expedited Review of the Pooling	)	Docket No. _____
Administrator's Denial of a Request for a Growth	)	
Block for the Smithville Rate Center for a New	)	
Location Routing Number	)	

**PETITION FOR REVIEW OF THE POOLING ADMINISTRATOR'S DENIAL  
OF A REQUEST FOR A GROWTH BLOCK FOR A LOCATION ROUTING  
NUMBER AND, IN THE ALTERNATIVE, REQUEST FOR WAIVER OF THE  
FCC'S RULES AND INDUSTRY NUMBERING COMMITTEE GUIDELINES**

Advantage Cellular Systems, Inc. ("Advantage"), by its attorneys, and pursuant to Section 52.15(g)(4) of the Rules and Regulations of the Federal Communications Commission ("FCC") and Section 4.1.3 of the Alliance for Telecommunications Industry Solutions, Industry Numbering Committee ("INC"), Central Office ("CO") Code ("NXX") Assignment Guidelines ("INC Guidelines"), hereby submits this Petition for Review of the Pooling Administrator's ("PA") Denial of a Request for a Growth Block for a Location Routing Number ("LRN") and, in the Alternative, Request for Waiver of the FCC's Rules and INC Guidelines. Specifically, Advantage requests that the Tennessee Regulatory Authority ("TRA") exercise its authority under Section 52.15(g)(4) of the FCC's Rules and Section 4.1.3 of the INC Guidelines to overturn the PA's decision to withhold numbering resources from Advantage. In the alternative, Advantage requests that the TRA waive these provisions as applied to Advantage, and remand to the PA with instructions to grant Advantage's request for a growth block for use as an LRN.

## **I. Background**

On March 18, 2005, Advantage submitted an application with the PA for a growth block for the Smithville, TN rate center.<sup>1</sup> The PA denied Advantage's growth block application because Advantage would not have exhausted the block within six months as required.<sup>2</sup> Although Advantage did not meet the Months to Exhaust ("MTE") requirement, Advantage requires the growth block in order to receive an LRN in order to comply with the FCC's Local Number Portability ("LNP") Rules. Accordingly, Advantage now requests the TRA to overturn the PA's denial of a growth block. Alternatively, Advantage requests that the TRA grant Advantage equivalent relief by granting a waiver of Section 4.1.3 of the INC Guidelines and the provision of Section 52.15(g)(4) of the FCC's Rules that prohibits the assignment of numbers to a carrier which has not met the FCC's numbering resource application requirements.<sup>3</sup>

## **II. Discussion**

Advantage requests that the TRA exercise its authority under Section 52.15(g)(4) of the FCC's Rules and Section 4.1.3 of the INC Guidelines to overturn the PA's decision to withhold numbering resources from Advantage. In the alternative, Advantage requests that the TRA waive the FCC's MTE and utilization requirements and comparable INC Guidelines and order the PA to grant Advantage's request for a growth block for use as an LRN.

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<sup>1</sup> A copy of the application is attached as Exhibit A.

<sup>2</sup> A copy of the denial is attached as Exhibit B.

<sup>3</sup> Pursuant to Section 52.15(g)(3)(i), one of the FCC's numbering resource application requirements is the six month MTE requirement.

**A. Advantage Has a Verifiable Need for Numbering Resources and Has Exhausted All Other Available Remedies**

Pursuant to Section 52.15(g)(4) of the FCC's Rules, the state commission may overturn the PA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies. Section 52.31 of the FCC's Rules requires commercial mobile radio service carriers to be LNP-compliant.<sup>4</sup> Advantage currently has five pooled thousand-blocks in the Smithville, TN rate center. However, because the PA will not permit Advantage to use these pooled numbers to establish an LRN, Advantage does not have an LRN in the Smithville, TN rate center. An LRN provides essential location routing information. Without it, Advantage will not be able to fulfill porting requests from its customers. Without the new LRN, Advantage will not be able to meet the FCC's LNP requirements, and therefore, not be able to utilize its new GSM switch.<sup>5</sup> Accordingly, Advantage has a verifiable need for numbering resources which merits an exception to Section 4.1.3 of the INC Guidelines<sup>6</sup> and reversal of the PA's decision.

Advantage has exhausted all other available remedies. Advantage submitted an application with the PA for a growth block for the Smithville, TN rate center which was

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<sup>4</sup> 47 C.F.R. § 52.31.

<sup>5</sup> Advantage purchased its GSM switch for \$2 million from Nortel Networks on July 24, 2004. Advantage will provide documentation of this purchase upon request.

<sup>6</sup> Similar to Section 52.15(g)(4), Section 4.1.3 of the INC Guidelines states that an applicant may request an NXX assignment for the establishment of an initial LRN per POI or switching entity for each LATA in which the applicant has a customer served by that same POI or switch, provided the applicant has no existing resources available for LRN assignment. Service providers must meet the FCC's MTE and utilization requirements if the request is for a CO code for a new switch in a rate center in which the applicant already has numbering resources. Service providers may appeal to the appropriate regulatory authorities for exceptions to this rule.

denied. The PA directed Advantage to seek relief from the TRA. Accordingly, Advantage has exhausted all other available remedies and now seeks review and reversal of the PA's decision. As discussed in detail below, Advantage is also seeking alternative relief from the TRA in the form of a waiver of the INC Guidelines and the FCC's rules.

### **B. A Waiver is Appropriate and Warranted**

Because the FCC has delegated authority to review numbering resource waiver requests to the state commissions, the TRA may also waive Section 52.15(g)(4) of the FCC's rules and Section 4.1.3 of the INC Guidelines. In reviewing a waiver request, the TRA may apply the FCC's waiver standard to such request. Section 1.3 of the FCC's rules sets out the general standards for determining when a waiver should be granted. The FCC, or in this case the TRA, may grant a request for waiver if good cause is shown.<sup>7</sup>

Application of the rule to Advantage in the instant case would be inequitable, unduly burdensome and contrary to the public interest, and Advantage has no reasonable alternative but to seek a waiver. Specifically, Advantage previously requested from the PA a growth NPA-NXX in the Smithville, TN rate center. As discussed above, Advantage needs this NPA-NXX to establish a new LRN in order to make Advantage's newly installed GSM switch LNP compliant.

Without a new LRN in the Smithville, TN rate center, Advantage's GSM switch will not be LNP compliant as required by the FCC.<sup>8</sup> Accordingly, Advantage seeks a waiver from the TRA of the MTE and utilization requirements. If the TRA strictly applies the FCC's numbering resource MTE and utilization requirements, and allows the

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<sup>7</sup> 47 C.F.R. § 1.3.

<sup>8</sup> 47 C.F.R. § 52.31.

PA's decision to go into effect, Advantage will not be able to utilize its newly installed GSM switch because the switch will not be LNP compliant. It would be inequitable, unduly burdensome and contrary to the public interest to deny Advantage use of its new GSM switch merely because it needs a new LRN. Advantage spent approximately \$2 million on its new GSM switch and another \$2 million for a network upgrade which will allow Advantage to use the switch. Advantage currently has 869 customers on its GSM network. Advantage's GSM switch will help Advantage provide its customers with a broader array of services, including Internet and multi-media and data services. Its switch will also provide its customers with better quality service and more ubiquitous coverage. If Advantage cannot use its GSM switch, Advantage will still have to pass the cost of its \$4 million switch and network upgrade on to its customers who will receive no countervailing benefit. Advantage will no longer be able to effectively compete if it is unable to offer the services demanded by its customers and must increase its rates to recover the cost of the services it is prohibited from providing. Accordingly, it is in the public interest for Advantage to receive a new LRN so Advantage's GSM switch can become LNP compliant.

Although grant of Advantage's request would be inconsistent with the FCC's MTE and utilization requirements, it is not inconsistent with the public interest for the TRA to grant Advantage's request because Advantage will donate all of the used numbers back to the PA once it establishes an LRN.

Advantage has no reasonable alternative but to request a waiver from the TRA for its growth block. As stated above, Advantage submitted an application to the PA for a growth block for the Smithville, TN rate center. The PA denied Advantage's growth

block application. Advantage has now requested that the TRA overturn the PA's decision. To the extent that the TRA chooses not to overturn the PA's decision under its delegated authority pursuant to Section 52.15(g)(4) and Section 4.1.3, Advantage requests that the TRA waive the FCC's MTE and utilization requirements and direct the PA to grant it a growth block for use as an LRN.

### **III. Conclusion**

As shown herein, Advantage needs a new LRN in order to comply with the FCC's LNP requirements. Therefore, Advantage requests the TRA to exercise its authority under Section 52.15(g)(4) of the FCC's Rules and Section 4.1.3 of the INC Guidelines to overturn the PA's decision to withhold numbering resources from Advantage. In the alternative, Advantage requests the TRA to waive the FCC's MTE and utilization requirements and remand to the PA with instructions to grant Advantage's request for a growth block for use as an LRN.

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Michael R. Bennet  
Rebecca L. Murphy  
Bennet & Bennet, PLLC  
10 G Street, NE  
7<sup>th</sup> Floor  
Washington, DC 20002

Its Attorneys

April 6, 2005

## Exhibit A



- View Block Request Forms

Page 1 of 2

**Pooling Administration System**

sonjah@dtccom.net (SP)

Sign Out

## Part 1A

Type of Application : New

Tracking Number : 615-SMITHVILLE-TN-104409

## 1.1 Contact Information :

Note: If any of the contact info is incorrect, edit your user profile.

## Block Applicant :

Company Name **ADVANTAGE CELLULAR**Headquarters Address **34030 Nashville Hwy**City **Alexandria**State **TN**Zip **37012**Contact Name **Sonja B Hammond**Contact Address **34030 Nashville Hwy**City **Alexandria**State **TN**Zip **37012**Telephone **(615) 464-2355 (x) 2256**Fax **(615) 529-1030**E-mail **sonjah@dtccom.net**

## Pooling Administrator :

Contact Name **Genevieve Paulino**Contact Address **1800 Sutter St. Ste. 780**City **Concord**State **CA**Zip **94520**Telephone **(925) 363-7652**Fax **(925) 363-7683**E-mail **genevieve.paulino@neustar.biz**

## 1.2 General Information

LRN Needed **YES**NPA **615**LATA **470**OCN **6935 - ADVANTAGE CELLULAR**Parent Company OCN **6935**Number of Thousands-Blocks  
Requested **1**Switch Identification (Switching  
Identity/POI) **lbrttn01cm1**City or Wire Center  
NameRate Center **SMITHVILLE**

Rate Center Sub Zone

## 1.3 Dates

## View Block Request Forms

Page 2 of 2

Date of Application **03/18/2005**Requested Block Effective Date **05/30/2005**Request Expedited Treatment **N****1.4 Type of Service Provider Requesting the Thousands-Block**

- a) Type of Service Provider **Wireless Telephony (Cellular, PCS, SMR)**
- b) Primary type of service Blocks to be used for **Wireless2**
- c) Thousands-Block(s) (NPA-NXX-X) assignment preference **615-xxx-0**
- d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any
- e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) **615-xxx-0**

**1.5 Type of Request**

Initial block for rate center  
Growth block for rate center **Yes**  
Change block  
Disconnect block

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023

[Back](#) [Print](#)

Part 3 Issue Date	Disposition Received	NPA	NXX	X	
		615		0	0

State	Tracking Number	Type of Request	OCN	Submission Date
TN	615-SMITHVILLE-TN-104409	Full NXX Request:LRN - Growth	6935	3/18/2005

MTE

Page 1 of 2

**Pooling Administration System**

sonjah@dtccom.net (SP)

Sign Out

**Months to Exhaust and Utilization Certification Worksheet - TN Level**Date **Wednesday, March 23, 2005**OCN **6935**Company Name **ADVANTAGE CELLULAR**Rate Center **SMITHVILLE**List all Codes NPA(s)-NXXs and Blocks NPA(s)-  
NXX-X(s)

931-235-0000 through 931-235-9999  
615-464-5000 through 615-464-5999  
615-464-7000 through 615-464-8999  
615-683-7000 through 615-683-7999  
615-683-9000 through 615-683-9999

Name of Block Applicant **Ms Sonja B Hammond**Title **Roaming Coordinator**Telephone Number **(615) 464-2355 Ext. 2256**Fax Number **(615) 529-1030**E-Mail **sonjah@dtccom.net**A. Available Numbers \* **3624**B. Assigned Numbers \* **11376**C. Total Numbering Resources \* **15000**D. Quantity of numbers activated in the past 90  
days and excluded from the Utilization calculation \* **0**

List excluded Code(s) or Block(s)

**E. Growth History - Previous 6 months<sup>2</sup> \***

Month 1	<b>100</b>	Month 2	<b>200</b>
Month 3	<b>300</b>	Month 4	<b>100</b>
Month 5	<b>200</b>	Month 6	<b>200</b>

MTE

Page 2 of 2

F. Forecast - Next 12 months<sup>3</sup> \*

Month 1	200	Month 2	100
Month 3	250	Month 4	150
Month 5	200	Month 6	200
Month 7	100	Month 8	150
Month 9	150	Month 10	200
Month 11	150	Month 12	100

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above ) divided by 6) **183.333**H. Months to Exhaust<sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))Block Requested  
1A. Available Numbers  
3624H. Months to Exhaust  
19.767I. Utilization<sup>5</sup>(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) \* 100**75.840**

Explanation

New NPA/NXX for a LRN for my new switch

1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

MTE

Page 1 of 1

## Pooling Administration System

sonjah@dtccom.net (SP)

Sign Out

### Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Based on the information provided, you will not exhaust all the blocks you wish to retain from the full NXX in 6 months.

#### Select One Option and Submit

- ☐ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☒ State Waiver Option

Exhibit B



Pooling Administration System Part Three Form for your request-Pooling Administration ... Page 1 of 2

**Sonja Hammond**

**From:** genevieve.paulino@neustar.biz  
**Sent:** Wednesday, March 23, 2005 1:02 PM  
**To:** Sonja Hammond  
**Cc:** PA\_Part3@neustar.biz  
**Subject:** Pooling Administration System Part Three Form for your request



Dated 23 March 2005

## Pooling Administration System

### Pooling Administrator's Response/Confirmation Part 3

Tracking Number **615-SMITHVILLE-TN-104409**  
Date of Application **03/18/2005**  
Date of Receipt **03/18/2005**  
Service Provider Name **Advantage Cellular Systems**  
(Telcordia<sup>TM</sup> LERG<sup>TM</sup> Routing Guide) OCN **6935-ADVANTAGE CELLULAR**  
NPAC SOA SPID

Block Effective Date  
Date of Response **03/23/2005**

#### Pooling Administrator Contact Information :

Name **Genevieve Paulino**  
Phone **(925) 363-7652**  
E-Mail **genevieve.paulino@neustar.biz**  
Fax **(925) 363-7683**

#### Response

NPA-NXX-X **0-0-0**

Block Assigned  
Block Disconnected

Block Contaminated (Yes or No) **null**

Block Allocation Date

Switch Identification (Switching Entry / POI) **lbrttn01cm1**Rate Center **SMITHVILLE**

Rate Center Sub Zone

☒ **Form Complete, block requested denied**

Explanation :

DR-3: No documentation to support the State Waiver request was received. Please resubmit your request with documentation supporting the State Waiver. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

☐ **Assignment activity suspended by the administrator**

Explanation :

3/25/2005

Pooling Administration System Part Three Form for your request-Pooling Administration ... Page 2 of 2

Further Action :

Remarks :

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Pooling Administrator  
Genevieve Paulino  
1800 Sutter St. Ste. 780  
Concord, CA 94520  
Phone: (925) 363-7652  
Fax: (925) 363-7683

3/25/2005

## CERTIFICATE OF SERVICE

I, Colleen von Hollen, with the Law Firm of Bennet & Bennet, PLLC, hereby certify that copies of the foregoing Petition for Review of the Pooling Administrator's Denial of a Request for a Growth Block for a Location Routing Number and, in the Alternative, Request for Waiver of the FCC's Rules and INC Guidelines were served this 6<sup>th</sup> day of April, 2005, by First Class, U.S. Mail, postage prepaid, unless otherwise indicated, on the following:

Genevieve Paulino, Pooling Administrator  
Neustar  
1800 Sutter Street  
Suite 780  
Concord, CA 94520

Lewis DeBoard  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

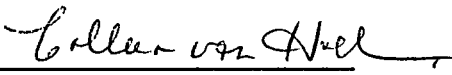
Pat Miller, Chairman  
Tennessee Regulatory Authority  
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Ron Jones, Director  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Mr. Les Greer  
Advantage Cellular Systems, Inc.  
P O. Box 457  
Alexandria, TN 37012

  
Colleen von Hollen